

**RESNICK & LOUIS, P.C.**

PAUL A. ACKER, ESQ. (Bar No. 3670)  
ELEANOR D. MURPHY, ESQ. (Bar No. 15071)  
8945 West Russell Road, Suite 330  
Las Vegas, NV 89148  
Telephone: (702) 997-3800  
Facsimile: (702) 997-3800  
[packer@rlattorneys.com](mailto:packer@rlattorneys.com)  
[emurphy@rlattorneys.com](mailto:emurphy@rlattorneys.com)  
*Attorneys for Defendant,*  
*Penn-Star Insurance Company*

**ROBINS CLOUD LLP**

KEVIN M. POLLACK, (SBN 272786)  
*admitted Pro Hac Vice*  
ANDREW WU, (SBN 293909)  
*admitted Pro Hac Vice*  
808 Wilshire Boulevard, Suite 450  
Santa Monica, California 90401  
Telephone: (310) 929-4200  
Facsimile: (310) 566-5900  
[kpollack@robinscloud.com](mailto:kpollack@robinscloud.com)  
[awu@robinscloud.com](mailto:awu@robinscloud.com)  
*Attorneys for Plaintiff*

**POLI, MOON & ZANE, PLLC.**

Michael N. Poli (Bar No. 005461)  
[MPoli@pmzlaw.com](mailto:MPoli@pmzlaw.com)  
403 Hill Street  
Reno, Nevada 89501  
Telephone: (775) 229-8021

**UNITED STATES DISTRICT COURT**

**DISTRICT OF NEVADA**

JOSEPH ZIMMERMAN, individually and as  
Trustee of the ZIMMERMAN FAMILY  
TRUST 1994,

Plaintiff,

vs.

PENN-STAR INSURANCE COMPANY,

Defendant.

CASE NO.: 2:22-cv-1174-JCM-VCF

**STIPULATION AND ORDER TO  
EXTEND TIME FOR THE FILING  
OF PLAINTIFF'S REPLY TO  
DEFENDANT'S OPPOSITION TO  
PLAINTIFF'S MOTION FOR  
PARTIAL SUMMARY JUDGMENT**

COMES NOW, Plaintiff JOSEPH ZIMMERMAN individually and as Trustee of the  
ZIMMERMAN FAMILY TRUST 1994 ("Plaintiff") by and through his counsel, MICHAEL N.  
POLI, ESQ., of POLI, MOON & ZANE, PLLC, and KEVIN M. POLLACK, ESQ. and  
ANDREW WU, ESQ. of ROBINS CLOUD, LLP and Defendant PENN-STAR INSURANCE  
COMPANY ("Defendant"), by and through its counsel, PAUL A. ACKER, ESQ., and  
ELEANOR D. MURPHY, ESQ., of RESNICK & LOUIS, P.C., who hereby stipulate to extend  
the deadline for Plaintiff to file a Reply in support of Plaintiff's Motion for Partial Summary

Judgment, extending the deadline from November 1, 2023 to November 8, 2023.

The dispositive motion deadline in this case was set for September 12, 2023, pursuant to the most recent scheduling and trial order [ECF No. 24]. Plaintiff filed a Motion for Partial Summary Judgment on September 13, 2023 [ECF No. 26], and Plaintiff also filed an unopposed motion to permit the late filing of his partial Motion, due to the weather conditions that prohibited the timely filing of same [ECF No. 27]. On October 18, Defendant filed its Opposition to Plaintiff's Motion for Partial Summary Judgment. [ECF No. 36]. As such, Plaintiff's Reply to Defendant's Opposition was due on November 1, 2023.

Plaintiff is represented by Mr. Poli of POLI, MOON & ZANE, PLLC, as well as counsel from the State of California, ROBINS CLOUD LLP, admitted *Pro Hac Vice* (hereafter "Mr. Pollack").

Plaintiff's counsel failed to timely file a reply due to clerical error, inadvertence and excusable neglect, as a result of unexpected and unfortunate events affecting both Mr. Poli's and Mr. Pollack's legal teams, which were beyond the control of Plaintiff, Mr. Zimmerman. Mr. Poli's legal assistant, Linda Lieber, passed away in the first week of October 2023, leaving Mr. Poli without the necessary assistance to perform work on the action herein. Likewise, Mr. Pollack's legal assistant and calendaring secretary, Stephanie Khersonsky's (hereafter "Ms. Khersonsky"), grandfather passed away on October 23, 2023. Ms. Khersonsky was not fully able to perform her work for the week *prior* to her grandfather's passing because she was at her grandfather's bedside for all hours for the week prior to his passing. Furthermore, Ms. Khersonsky was not able to fully perform her work for the week *following* her grandfather's passing due to mourning, leaving Mr. Pollack without the necessary assistance to perform work on the action herein.

As a result of these unfortunate and unexpected events affecting **both** of Plaintiff's counsels, Mr. Poli's and Mr. Pollack's legal team, Plaintiff's deadline to file his Reply, due November 1, 2023, was inadvertently not calendared due to clerical error, inadvertence and excusable neglect.

Upon realization of this clerical error, Mr. Pollack reached out to counsel for Defendant, Eleanor D. Murphy (hereafter "Ms. Murphy"), on November 2, 2023 and requested that

Defendant agree to stipulate to an extension of one week, so that Plaintiff is able to file his Reply on November 8, 2023, and in order so that the issues may be decided on the merits. In response, counsel for the Defendant, Ms. Murphy, stated that Defendant was agreeable to such a one-week extension.

Accordingly, the parties are requesting an extension of seven (7) days, making Plaintiff's Reply to Defendant's Opposition to Plaintiff's Motion for Partial Summary Judgment due on November 8, 2023.

IT IS HEREBY STIPULATED AND AGREED between the parties that Plaintiff shall have up to and including November 8, 2023, to file his Reply to Defendant's Opposition to Plaintiff's Motion for Partial Summary Judgment.

Dated this 2nd day of November, 2023

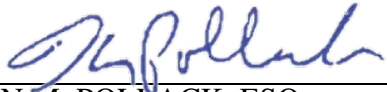
Dated this 2nd day of November, 2023

**RESNICK & LOUIS, P.C.**

**ROBINS CLOUD LLP**

/s/ Eleanor D. Murphy

PAUL A. ACKER, ESQ.  
Nevada Bar No. 3670  
ELEANOR D. MURPHY, ESQ.  
Nevada Bar No. 15071  
8925 West Russell Road, Suite 220  
Las Vegas, Nevada 89148  
*Attorneys for Defendant*

  
KEVIN M. POLLACK, ESQ.,  
*admitted Pro Hac Vice*  
808 Wilshire Boulevard, Suite 450  
Santa Monica, California 90401  
*Attorneys for Plaintiff*

**IT IS SO ORDERED:**

  
UNITED STATES DISTRICT JUDGE

**DATED:** November 3, 2023